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TAGS: PREL PHUM PGOV KDEM AJ
SUBJECT: AZERBAIJAN: OSCE, US, UK OFFICIALS VISIT
OPPOSITION DETAINEES

REF: BAKU 1718

Classified By: DCM Jason P. Hyland for reasons 1.4 (b) and (d).

¶1. (U) On December 2, US and UK Emboffs and the OSCE Legal Advisor visited the GOAJ Ministry of Internal Affairs (MIA) detention facility in Baku to meet the opposition party members detained November 23 for participating in an unauthorized protest (reftel). The Ministry of Internal Affairs granted access after the Ambassador called the Minister December 1 with the request. A Baku court sentenced most of the group to between two and fifteen days in detention. At the time of our visit, nine opposition members, including one opposition journalist, remained in the facility. Of the nine, four senior ranking PFP officials, the organizers of the November 23 protest, received 15 day sentences and will be released on December 8; five others received ten day sentences and were scheduled for release December 3.

¶2. (U) The detention facility -- a bare, broken-down concrete complex -- appeared to be typical of Baku detention facilities. Detainees were bunked wall-to-wall, eight to ten persons per room and access a common room during the day. Meeting in private with the delegation, the nine detainees told us that they had no complaints about their treatment and all appeared to be physically fine. Baku Deputy Police Chief Yashar Aliyev, who showed up at the jail halfway through the meeting, informed us that the facility would be closed next year and that a new "European standard" facility would soon replace it.

¶3. (U) The detainees reported that none of the group received adequate due process or a fair judicial hearing. They said that after their arrest on November 23, police drove the group of more than 40 detainees to a local court. According to a well respected PFP member in detention, a judge addressed the detainees in groups of two to three, telling them each that they were in violation of the law. According to this account, the judge listened to a police officer's statement about the suspects' "misconduct" and then sentenced each to "administrative detention" of between two and 15 days. The entire proceeding lasted less than five minutes for each group of detainees brought before the court; no defense counsel was present, no prosecutor charged the individuals, and none of the defendants received a written conviction or sentencing order. According to another detainee with whom we spoke, a judge boarded the detention bus outside of the court on November 23 and handed out sentences in a matter of minutes to those who did not make it into the courtroom and then police drove the group to the detention facility.

COMMENT

¶4. (C) The GOAJ's reported tactics in this detention are similar to those employed in the run-up to the 2005

parliamentary election. Opposition members were arrested, sometimes preemptively, quickly sentenced in five minute hearings to one to two weeks in jail and then released in a process described by the authorities as "administrative detention." We note that OSCE Baku was unable to obtain permission from the MIA to visit the detainees for a week, until the US Ambassador personally intervened with Minister Usubov December 1, who claimed not to know of the OSCE's pending request.

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